

## **REMARKS**

The following remarks are fully and completely responsive to the Office Action dated June 25, 2004. Claims 1 and 3-11 are pending in this application with claim 2 canceled and claims 10-11 added by the present Amendment. In the outstanding Office Action, claims 1-6 and 8 were rejected under 35 U.S.C. § 103(a). Claims 7 and 9 were acknowledged as containing allowable subject matter, but were objected to as being dependent upon a rejected base claim. No new matter has been added. Claims 1 and 3-11 are presented for consideration.

### **35 U.S.C. § 103(a)**

Claims 1-6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagata (U.S. Patent No. 6,204,789). In making this rejection, the Office Action asserts that this reference teaches and/or suggests each element of the claimed invention. Applicants respectfully disagree and request reconsideration of this rejection.

Claim 1 recites in part:

wherein a cutoff frequency of said first post-filter is set in a frequency range between a cutoff frequency of said second post-filter and a maximum frequency at which the attenuation of said second post-filter reaches a predetermined value of attenuation, in order to simultaneously execute processing such as de-emphasis in a frequency range between said cutoff frequency of said second post-filter and said first post-filter, and elimination of high-frequency noise over said cutoff frequency of said first post-filter.

The apparatus disclosed in Nagata includes the filters (32, 20; 18, 21) at the latter part of the modulator. Nagata, however, fails to disclose the characteristics of

these filters. Specifically, Nagata fails to disclose that either of these filters executes de-emphasis processing or the eliminates high-frequency noise.

Accordingly, Nagata fails to teach and/or disclose the claimed invention. Specifically, this reference fails to disclose and/or suggest that "a cutoff frequency of said first post-filter is set in a frequency range between a cutoff frequency of said second post-filter and a maximum frequency at which the attenuation of said second post-filter reaches a predetermined value of attenuation, in order to simultaneously execute processing such as de-emphasis in a frequency range between said cutoff frequency of said second post-filter and said first post-filter, and elimination of high-frequency noise over said cutoff frequency of said first post-filter." Consequently, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 3-6 and 8 under 35 U.S.C. § 103(a).

#### **Allowable Subject Matter**

Claims 7 and 9 were indicated as containing allowable subject matter, but were objected to as being dependent upon a rejected base claim. As discussed above, claim 1 and the claims dependent thereon are allowable. Therefore, Applicants request reconsideration and withdrawal of the objection to claims 7 and 9.

#### **New Claims**

New claims 10 and 11 have been added. These claims correspond to claims 7 and 9 placed in independent form and include all the limitations of the base claim and any intervening claims. Accordingly, claims 10 and 11 are in condition for allowance.


## **Conclusion**

Applicants' remarks have overcome the objections and rejections set forth in the Office Action dated June 25, 2004. Applicants' remarks have distinguished claims 1, 3-6 and 8 from Nagata and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Applicants' remarks have also overcome the objection to claims 7 and 9. Applicants' remarks have indicated that new claims 10 and 11 correspond to claims 7 and 9 rewritten in independent form including all the limitations of the base claim and any intervening claims. Accordingly, claims 1 and 3-11 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 1 and 3-11.

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, referring to client-matter number 107156-00195.

Respectfully submitted,

  
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